

AMENDED IN SENATE MAY 2, 2012

**SENATE BILL**

**No. 1138**

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**Introduced by Senator Liu**

February 21, 2012

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An act to amend Section 66903 of, to add Section 66027.8 to, and to add and repeal Sections 33317.3 and 66903.5 of, the Education Code, relating to educational data.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as amended, Liu. Educational data: State Department of Education: California Postsecondary Education Commission.

(1) Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, to execute laws and policies relating to the public elementary and secondary schools of the state. Numerous statutes require the department to receive and maintain various forms of data.

Existing law establishes the California Postsecondary Education Commission (CPEC) as the statewide postsecondary education coordinating and planning agency, and provides for its functions and responsibilities. Among other things, CPEC is required to act as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies. CPEC is further required to develop and maintain a comprehensive database that meets specified requirements relating to, among other things, compatibility with other databases and sources, accessibility, and protection of student privacy.

This bill would require, on and after January 1, 2013, that the State Department of Education, in coordination with the State Board of Education, succeed to the *prescribed* data management responsibilities

of CPEC with respect to the comprehensive database referenced above, as specified.

These provisions would ~~make these provisions inoperative on July 1, 2013, and would repeal them~~ *be repealed* as of January 1, 2014 2015.

(2) Existing law, known as the Donahoe Higher Education Act, sets forth the missions and functions of the segments of public postsecondary education in the state. The California State University, which is governed by the Trustees of the California State University (trustees), and the University of California, which is governed by the Regents of the University of California (regents), are 2 of the segments of public postsecondary education. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act by resolution to make them applicable.

Under existing law, the California State University and the University of California are authorized to charge fees to students attending their respective institutions.

The bill, commencing with the 2012–13 academic year, would require the trustees and the regents to provide reports on expenditures and financial aid to the Legislature, and the Legislative Analyst’s Office to annually review and report to the Legislature its findings, conclusions, or recommendations regarding the implementation of policies implemented pursuant to the bill.

Because the provisions of the bill would be added to the Donahoe Higher Education Act, they would apply to the University of California only to the extent that the regents act by resolution to make them applicable.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 33317.3 is added to the Education Code,
- 2 to read:
- 3 33317.3. (a) Notwithstanding any other law:
- 4 (1) On and after January 1, 2013, the department, in coordination
- 5 with the state board, shall succeed to the data management
- 6 responsibilities *related to receiving and holding individual student*
- 7 *data* granted to the California Postsecondary Education
- 8 Commission pursuant to subdivision (m) of Section 66903. The
- 9 department may disclose, or dispose of, data it receives or

1 maintains under this section only as specifically authorized to do  
2 so in subdivision (m) of Section 66903.

3 ~~(2) Notwithstanding Section 66902, the department shall have~~  
4 ~~power to require the governing boards and the institutions of public~~  
5 ~~postsecondary education to submit data on plans and programs,~~  
6 ~~costs, selection and retention of students, enrollments, plant~~  
7 ~~capacities, and other matters pertinent to effective planning, policy~~  
8 ~~development, and articulation and coordination, and shall furnish~~  
9 ~~information concerning these matters to the Governor and to the~~  
10 ~~Legislature as requested by them.~~

11 ~~(3)~~  
12 (2) For the purpose of implementing this section, the department  
13 shall enter into an interagency agreement with the *Chancellor's*  
14 *Office of the California Community College Chancellor's Office*  
15 ~~to administer Colleges for the purpose of updating and maintaining~~  
16 the comprehensive database described in Section 66903.

17 ~~(b) This section shall become operative on July 1, 2013, and as~~  
18 ~~of January 1, 2014, is repealed, unless a later enacted statute, that~~  
19 ~~is enacted before January 1, 2014, deletes or extends that date.~~

20 *(b) This section shall remain in effect only until January 1, 2015,*  
21 *and as of that date is repealed, unless a later enacted statute, that*  
22 *is enacted before January 1, 2015, deletes or extends that date.*

23 SEC. 2. Section 66027.8 is added to the Education Code, to  
24 read:

25 66027.8. (a) Notwithstanding Section 10231.5 of the  
26 Government Code, commencing with the 2012–13 academic year,  
27 the regents and the trustees shall annually provide the Legislature,  
28 by February 1 of each year, with detailed information regarding  
29 expenditures of revenues derived from student fees and uses of  
30 institutional financial aid, and shall provide information regarding  
31 the total cost of education per student, categorized specifically by  
32 undergraduate and graduate education costs, including fixed costs,  
33 variable costs, administrative costs, instructional costs, and student  
34 services costs. For purposes of meeting the requirements of this  
35 section, the regents and the trustees may include this information  
36 in their respective annual report on institutional financial aid  
37 pursuant to Section 66021.1.

38 (b) Notwithstanding Section 10231.5 of the Government Code,  
39 commencing with the 2012–13 academic year, the Legislative  
40 Analyst's Office shall annually review, by March 1 of each year,

1 institutional compliance with the policies set forth in this article,  
2 and report, in writing, to the Legislature its findings, conclusions,  
3 or recommendations regarding the implementation of these policies.  
4 This report shall include an assessment of the information provided  
5 by the regents and the trustees pursuant to subdivision (a).

6 (c) A report submitted pursuant to this section shall be submitted  
7 in compliance with Section 9795 of the Government Code.

8 SEC. 3. Section 66903 of the Education Code is amended to  
9 read:

10 66903. The commission has the following functions and  
11 responsibilities in its capacity as the statewide postsecondary  
12 education planning and coordinating agency and adviser to the  
13 Legislature and the Governor:

14 (a) It shall require the governing boards of the segments of  
15 public postsecondary education to develop and submit to the  
16 commission institutional and systemwide long-range plans in a  
17 form determined by the commission after consultation with the  
18 segments.

19 (b) It shall prepare a state plan for postsecondary education that  
20 shall integrate the planning efforts of the public segments with  
21 other pertinent plans. The commission shall seek to resolve  
22 conflicts or inconsistencies among segmental plans in consultation  
23 with the segments. If these consultations are unsuccessful, the  
24 commission shall report the unresolved issues to the Legislature  
25 with recommendations for resolution. In developing the plan, the  
26 commission shall consider at least the following factors:

27 (1) The need for, and location of, new facilities.

28 (2) The range and kinds of programs appropriate to each  
29 institution or system.

30 (3) The budgetary priorities of the institutions and systems of  
31 postsecondary education.

32 (4) The impact of various types and levels of student charges  
33 on students and on postsecondary education programs and  
34 institutions.

35 (5) The appropriate levels of state-funded student financial aid.

36 (6) The access and admission of students to postsecondary  
37 education.

38 (7) The educational programs and resources of independent and  
39 private postsecondary institutions.

1 (8) The provisions of this division differentiating the functions  
2 of the public systems of higher education.

3 (c) It shall update the plan periodically, as appropriate.

4 (d) It shall participate in appropriate stages of the executive and  
5 the legislative budget processes as requested by the executive and  
6 the legislative branches, and shall advise the executive and the  
7 legislative branches as to whether segmental programmatic  
8 budgetary requests are compatible with the state plan. It is not  
9 intended that the commission hold independent budget hearings.

10 (e) It shall advise the Legislature and the Governor regarding  
11 the need for, and location of, new institutions and campuses of  
12 public higher education.

13 (f) It shall review proposals by the public segments for new  
14 programs, the priorities that guide them, and the degree of  
15 coordination with nearby public, independent, and private  
16 postsecondary educational institutions, and shall make  
17 recommendations regarding those proposals to the Legislature and  
18 the Governor. In the event that the commission is unable to perform  
19 its responsibilities under this subdivision, it is the intent of the  
20 Legislature that the public postsecondary segments refrain from  
21 implementing new programs until the commission or a successor  
22 entity is able to perform the review required by this subdivision.

23 (g) In consultation with the public segments, it shall establish  
24 a schedule for segmental review of selected educational programs,  
25 evaluate the program approval, review, and disestablishment  
26 processes of the segments, and report its findings and  
27 recommendations to the Legislature and the Governor.

28 (h) It shall serve as a stimulus to the segments and institutions  
29 of postsecondary education by projecting and identifying societal  
30 and educational needs and encouraging adaptability to change.

31 (i) It shall periodically collect or conduct, or both collect and  
32 conduct, studies of projected manpower supply and demand, in  
33 cooperation with appropriate state agencies, and disseminate the  
34 results of those studies to institutions of postsecondary education  
35 and to the public in order to improve the information base upon  
36 which student choices are made.

37 (j) It shall periodically review and make recommendations  
38 concerning the need for, and availability of, postsecondary  
39 programs for adult and continuing education.

1 (k) It shall develop criteria for evaluating the effectiveness of  
2 all aspects of postsecondary education.

3 (l) It shall maintain and update annually an inventory of all  
4 off-campus programs and facilities for education, research, and  
5 community services operated by public and independent institutions  
6 of postsecondary education.

7 (m) (1) It shall act as a clearinghouse for postsecondary  
8 education information and as a primary source of information for  
9 the Legislature, the Governor, and other agencies. It shall develop  
10 and maintain a comprehensive database that does all of the  
11 following:

12 (A) Ensures comparability of data from diverse sources.

13 (B) Supports longitudinal studies of individual students as they  
14 progress through the state's postsecondary educational institutions,  
15 based upon the commission's existing student database through  
16 the use of a unique student identifier.

17 (C) Is compatible with the California School Information System  
18 and the student information systems developed and maintained by  
19 the public segments of higher education, as appropriate.

20 (D) Provides Internet access to data, as appropriate, to the sectors  
21 of higher education.

22 (E) Provides each of the educational segments access to the data  
23 made available to the commission for the purposes of the database,  
24 in order to support, most efficiently and effectively, statewide,  
25 segmental, and individual campus educational research information  
26 needs.

27 ~~(F) Provides access to data that may include personally~~  
28 ~~identifiable information to state policy analysts and independent~~  
29 ~~researchers for public policy research and evaluation purposes,~~  
30 ~~with appropriate privacy protections consistent with paragraph~~  
31 ~~(2).~~

32 (2) The commission, in implementing paragraph (1), shall  
33 comply with the federal Family Educational Rights and Privacy  
34 Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of  
35 personally identifiable information concerning students.

36 (3) The commission shall not make available any personally  
37 identifiable information received from a postsecondary educational  
38 institution concerning students for any regulatory purpose unless  
39 the institution has authorized the commission to provide that  
40 information on behalf of the institution.

1 (4) The commission shall provide 30-day notification to the  
2 chairpersons of the appropriate policy and budget committees of  
3 the Legislature, to the Director of Finance, and to the Governor  
4 prior to making any significant changes to the student information  
5 contained in the database.

6 (n) It shall establish criteria for state support of new and existing  
7 programs, in consultation with the public segments, the Department  
8 of Finance, and the Joint Legislative Budget Committee.

9 (o) It shall comply with the appropriate provisions of the federal  
10 Education Amendments of 1972 (Public Law 92-318), as specified  
11 in Section 67000.

12 (p) It shall consider the relationship among academic education  
13 and vocational education and job training programs, and shall  
14 actively consult with representatives of public and private  
15 education.

16 (q) It shall review all proposals for changes in eligibility pools  
17 for admission to public institutions and segments of postsecondary  
18 education, and shall make recommendations to the Legislature,  
19 the Governor, and institutions of postsecondary education. In  
20 carrying out this subdivision, the commission periodically shall  
21 conduct a study of the percentages of California public high school  
22 graduates estimated to be eligible for admission to the University  
23 of California and the California State University. The changes  
24 made to this subdivision during the 2001–02 Regular Session of  
25 the Legislature shall be implemented only during those fiscal years  
26 for which funding is provided for the purposes of those provisions  
27 in the annual Budget Act or in another measure.

28 (r) It shall report periodically to the Legislature and the Governor  
29 regarding the financial conditions of independent institutions, their  
30 enrollment and application figures, the number of student spaces  
31 available, and the respective cost of utilizing those spaces as  
32 compared to providing additional public spaces. The reports shall  
33 include recommendations concerning state policies and programs  
34 having a significant impact on independent institutions.

35 (s) Upon request of the Legislature or the Governor, it shall  
36 submit to the Legislature and the Governor a report on all matters  
37 so requested that are compatible with its role as the statewide  
38 postsecondary education planning and coordinating agency. Upon  
39 request of individual Members of the Legislature or personnel in  
40 the executive branch, the commission shall submit information or

1 a report on any matter to the extent that sufficient resources are  
2 available. From time to time, it also may submit to the Legislature  
3 and the Governor a report that contains recommendations as to  
4 necessary or desirable changes, if any, in the functions, policies,  
5 and programs of the several segments of public, independent, and  
6 private postsecondary education.

7 (t) In consultation with the public segments, it shall consider  
8 the development of facilities to be used by more than one segment  
9 of public higher education, commonly called “joint-use facilities.”  
10 It shall recommend to the Legislature criteria and processes for  
11 different segments to utilize bond funds for these intersegmental,  
12 joint-use facilities.

13 (u) It may undertake other functions and responsibilities that  
14 are compatible with its role as the statewide postsecondary  
15 education planning and coordinating agency.

16 SEC. 4. Section 66903.5 is added to the Education Code, to  
17 read:

18 66903.5. (a) Notwithstanding any other law:

19 (1) On and after January 1, 2013, the State Department of  
20 Education, in coordination with the State Board of Education, shall  
21 succeed to the data management responsibilities *related to*  
22 *receiving and holding individual student data* granted to the  
23 commission pursuant to subdivision (m) of Section 66903. The  
24 State Department of Education may disclose, or dispose of, data  
25 it receives or maintains under this section only as specifically  
26 authorized to do so in subdivision (m) of Section 66903.

27 (2) Notwithstanding Section 66902, the department shall have  
28 power to require the governing boards and the institutions of public  
29 postsecondary education to submit data on plans and programs,  
30 costs, selection and retention of students, enrollments, plant  
31 capacities, and other matters pertinent to effective planning, policy  
32 development, and articulation and coordination, and shall furnish  
33 information concerning these matters to the Governor and to the  
34 Legislature as requested by them.

35 ~~(b) This section shall become inoperative on July 1, 2013, and~~  
36 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~  
37 ~~that is enacted before January 1, 2014, deletes or extends that date.~~



1     ***(b) This section shall remain in effect only until January 1, 2015,***  
2     ***and as of that date is repealed, unless a later enacted statute, that***  
3     ***is enacted before January 1, 2015, deletes or extends that date.***

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